

**VIRGINIA BOARD OF NURSING
MINUTES
July 21, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on July 21, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia

**BOARD MEMBERS
PRESENT:**

Patricia M. Selig, R.N., F.N.P., Ph.D., President
Florence Jones-Clarke, R.N., M.S, Vice President
Evelyn Lindsay, L.P.N., Secretary
Peregrin Francisco, R.N., M.S.A.
Joyce A. Hahn, Ph.D.; APRN; NEA-BC
Brenda L. Hale, R.N.
John M. Horn, L.P.N.
Jeanne E. Holmes, Citizen Member
Judith E. Piersall, R.N., B.S.N.
Karen K. Schultz, Ph.D., M.B.A., Citizen Member
William Traynham, L.P.N.

**BOARD MEMBERS
ABSENT:**

Patricia C. Lane, R.N., B.S.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Paula B. Saxby, R.N., Ph.D, Deputy Executive Director
Jessica Ressler, R.N.C, M.S.N., Nursing Education Consultant
Linda Kleiner, R.N., Discipline Case Manager
Ann Tiller, Compliance Manager
Amy Davis, Administrative Assistant

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Wayne Halbleib, Senior Assistant Attorney General
Amanda Mitchell, Adjudication Specialist

**ESTABLISHMENT OF
A QUORUM:**

With eleven members of the Board present, a quorum was established.

CONSIDERATION OF CONSENT ORDERS:

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:17 A.M., for the purpose of

consideration of consent orders. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Krohn, Ms. Mitchell, Dr. Saxby, Ms. Ressler, Ms. Kleiner, Ms. Tiller, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:30 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

National School of Nursing and Allied Health Practical Nursing Program

Ms. Lindsay moved to accept the consent order to place National School of Nursing and Allied Health Practical Nursing Program on conditional provisional approval for not less than once year with terms and conditions.

The motion was seconded and carried unanimously.

Musa S. Bangura, R.N. 0001-180489

Mr. Traynham moved that the Board of Nursing accept the consent order to reprimand Musa Bangura and order Mr. Bangura to pay a monetary penalty in the amount of \$2,500 within thirty days of entry of the order.

The motion was seconded and carried. Dr. Selig, Ms. Jones-Clarke, Dr. Hahn, Ms. Hale, Mr. Horn, Ms. Holmes, Dr. Schultz and Mr. Traynham were in favor of the motion. Ms. Lindsay, Ms. Francisco and Ms. Piersall opposed the motion.

Mr. Halblieb, Ms. A. Mitchell, Dr. Saxby and Ms. Ressler left the meeting.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Jonathan L. O'Brien, R.N. 0001-158964

Mr. O'Brien did not appear. Karah Gunther, attorney for Mr. O'Brien appeared on his behalf.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:40 A.M., for the purpose of consideration of an agency subordinate recommendation. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Krohn, Ms. Mitchell, Ms. Kleiner, Ms. Tiller, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:47 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting

requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hale moved that the Board of Nursing reject the recommended decision of the agency subordinate and refer the matter regarding Jonathan O'Brien to a formal hearing.

The motion was seconded and carried. Dr. Selig, Ms. Jones-Clark, Ms. Lindsay, Dr. Hahn, Ms. Hale, Mr. Horn, Ms. Holmes, Ms. Piersall, Dr. Schultz and Mr. Traynham were in favor of the motion. Ms. Francisco opposed the motion.

Rhonda Greene, C.N.A. 1401-118532

Ms. Greene appeared.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:00 A.M., for the purpose of consideration of an agency subordinate recommendation. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Krohn, Ms. Mitchell, Ms. Kleiner, Ms. Tiller, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:05 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Dr. Hahn moved that the Board of Nursing reject the recommended decision of the agency subordinate and refer the matter regarding Rhonda Greene to a formal hearing.

The motion was seconded and carried. Dr. Selig, Ms. Jones-Clark, Ms. Lindsay, Dr. Hahn, Ms. Hale, Mr. Horn, Ms. Holmes, Ms. Piersall and Mr. Traynham were in favor of the motion. Ms. Francisco and Dr. Schultz opposed the motion.

RECESS:

The Board recessed at 10:07 A.M.

RECONVENTION:

The Board reconvened at 10:20 A.M.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:21 A.M., for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Krohn, Ms. Mitchell, Ms. Kleiner, Ms. Tiller, Ms. Davis and Mr. Casway attend the closed meeting because their

presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:41 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mary E. Lockhart, L.P.N. 0002-070585

Ms. Lockhart did not appear.

Dr. Schultz moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Mary Lockhart.

The motion was seconded and carried. Ms. Lindsay, Ms. Francisco, Dr. Hahn, Mr. Horn, Ms. Holmes, Ms. Piersall, Dr. Schultz were in favor of the motion. Ms. Hale, Dr. Selig, Mr. Traynham and Ms. Jones-Clarke opposed the motion.

Amy K. Mock, R.N. 0001-174833

Ms. Mock did not appear.

Ms. Hale moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Amy Mock for a period of not less than two years until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

Debra D. Young, R.M.A. 0031-002664

Ms. Young did not appear.

Ms. Jones-Clark moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the medication aide registration of Debra Young until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried. Dr. Selig, Ms. Jones-Clarke, Ms. Lindsay, Ms. Francisco, Ms. Hale, Ms. Holmes, Ms. Piersall and Dr. Schultz were in favor of the motion. Dr. Hahn, Mr. Horn and Mr. Traynham opposed the motion.

Dana J. Gilmer, R.N. 0001-148744

Ms. Gilmer did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to place Dana Gilmer on probation for a period of one year of employment as a registered nurse with terms and conditions.

The motion was seconded and carried unanimously.

Cynthia Witt, R.N. 0001-106932

Ms. Witt did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Cynthia Witt with said suspension stayed contingent upon entry in the Health Practitioners Monitoring Program and thereafter remaining in compliance with the terms and conditions of the Health Practitioners Monitoring Program.

The motion was seconded and carried unanimously.

Kimberlyn K. Coleman, C.N.A. 1401-123555

Ms. Coleman did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Kimberlyn Coleman with a finding of abuse.

The motion was seconded and carried unanimously.

Naomi Harvin, C.N.A. 1401-109935

Ms. Harvin did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action in the matter regarding Naomi Harvin contingent upon Ms. Harvin's entry into the Health Practitioners Monitoring Program within 45 days of entry of the order and thereafter remaining in compliance with the terms and conditions of the Health Practitioners Monitoring Program.

The motion was seconded and carried unanimously.

Vanessa J. Sorber, C.N.A. 1401-103891

Ms. Sorber did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Vanessa Sorber with a finding of misappropriation of patient property to be entered in the Virginia Nurse Aide Registry.

The motion was seconded and carried unanimously.

Iyai Thomas, C.N.A. 1401-126788

Ms. Thomas did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Iyai Thomas with a finding of misappropriation of patient property to be entered in the Virginia Nurse Aide Registry.

The motion was seconded and carried unanimously.

Crystal G. Morris, C.N.A. 1401-120455

Ms. Morris did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Crystal Morris with a finding of misappropriation of patient property.
The motion was seconded and carried unanimously.

Alisha R. Ferdinand, C.N.A. 1401-113225

Ms. Ferdinand did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Alisha Ferdinand.
The motion was seconded and carried unanimously.

Michelle Harold, C.N.A. 1401-079446

Ms. Harold did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Michelle Harold.
The motion was seconded and carried unanimously.

Laurie E. Yopp West, R.N. 0001-116461

Ms. Yopp West did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Laurie Yopp West for a period of not less than two years and until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.
The motion was seconded and carried unanimously.

Kimberly Young, L.P.N. 0002-070786

Ms. Young did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Kimberly Young for a period of not less than two years and until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.
The motion was seconded and carried unanimously.

Cynthia G. Anderson, R.M.A. 0031-001938

Ms. Anderson did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Cynthia Anderson and impose a \$100 monetary penalty to Ms. Anderson, to be paid within sixty days of entry of the order.
The motion was seconded and carried unanimously.

Stephanie Argenbright, L.P.N. 0002-047636

Ms. Argenbright did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Stephanie Argenbright until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

Kim Birto, L.P.N. 0002-058099

Ms. Birto did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Kim Birto until such time as she pays a \$500 monetary penalty and appears before the Board and demonstrates that she is safe and competent to practice.

The motion was seconded and carried unanimously.

Sherri Barger, L.P.N. 0002-051362

Ms. Barger did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Sherri Barger and to indefinitely suspend the practical nursing license of Ms. Barger until such time as she pays the \$200 monetary penalty.

The motion was seconded and carried unanimously.

Lara Dee Bailey, R.N. 0001-201844

Ms. Bailey did not appear.

Ms. Lane moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the professional nursing license of Lara Dee Bailey and any multistate privilege to practice in Virginia until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

Robyn Saavedra, R.N., 0001-158045; L.N.P. 0024-167256; Prescriptive Authority 0017-138785

Ms. Saavedra did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Robyn Saavedra and place her on indefinite probation with terms and conditions for a period of not less than one year of actual nursing practice.

The motion was seconded and carried unanimously.

Jackie M.G. Davis, R.N. 0001-116003

Ms. Davis did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Jackie Davis and indefinitely suspend the professional nursing license of Ms. Davis for a period of not less than two years and until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

Ashley Nicole Pryor, L.P.N. 0002-074207

Ms. Pryor did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Ashley Pryor for a period of not less than two years and until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

Sylvia B. Kaiser, R.N. 0001-026159

Ms. Kaiser did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to accept the voluntary surrender for indefinite suspension of the professional nursing license of Sylvia Kaiser until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

Karen Elko Wellington, R.N. 0001-193305

Ms. Wellington did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Karen Wellington with said suspension stayed upon Ms. Wellington's entry into and continued compliance with the Health Practitioners Monitoring Program.

The motion was seconded and carried unanimously.

Kathryn Diane King-Alexander, R.N. 0001-206930

Ms. King-Alexander did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to place Kathryn King-Alexander on probation for not less than 12 months of actual nursing practice with terms and conditions.

The motion was seconded and carried unanimously.

Simone V. Haye, R.N. 0001-220145

Ms. Haye did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Simone Haye and order Ms. Haye to successfully complete a board approved course of at least 30 hours in pharmacology within 90 days of the date of entry of the order.

The motion was seconded and carried unanimously.

Pamela H. Tilson, C.N.A. 1401-075990

Ms. Tilson did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Pamela Tilson.
The motion was seconded and carried unanimously.

Anissa B. Watson, C.N.A. 1401-067907

Ms. Watson did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Anissa Watson with a finding of neglect to be entered in the Virginia Nurse Aide Registry.
The motion was seconded and carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 10:42 A.M.

Evelyn Lindsay, L.P.N.
Secretary

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 21, 2010
Panel - A**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:05 A.M. on July 21, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Patricia M. Selig, R.N., F.N.P., Ph.D., President
John M. Horn, L.P.N.
Judith E. Piersall, R.N., B.S.N.
Karen K. Schultz, Ph.D., M.B.A., Citizen Member
William Traynham, L.P.N.

STAFF PRESENT:

Jodi P. Power, R.N., J.D., Deputy Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Amy Davis, Executive Assistant

OTHERS PRESENT:

Amy Marschean, Senior Assistant Attorney General
Michael Bagel, Administrative Proceedings Division Intern
Nursing students from Bon Secours School of Nursing

**ESTABLISHMENT OF
A QUORUM:**

With five members of the Board present, a quorum was established.

FORMAL HEARINGS:

Shelly L. Hall, C.N.A. 1401-054720
Ms. Hall appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Ms. Marschean was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Judy Powers, C.N.A., L.P.N.; Jessica Dane, R.N.; and Denise Sexton, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Mr. Traynham moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:52 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hall. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Davis and Ms. Marschean attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 12:13 P.M.

Mr. Traynham moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Horn moved that the Board of Nursing accept the findings of fact as presented by Mr. Rutkowski and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Dr. Schultz moved that the Board of Nursing revoke the nurse aide certificate of Shelly Hall with a finding of abuse to be entered in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS:

The Board recessed at 12:15 P.M. The nursing students left the meeting.

RECONVENTION:

The Board reconvened at 1:05 P.M.

FORMAL HEARINGS:

Djuana C. Robinson, R.N. Reinstatement Applicant 0001-180917

Ms. Robinson appeared, accompanied by her husband, Mr. Robinson.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Marschean was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Cecile Custer, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Mr. Traynham moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:20 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Robinson. Additionally, Mr. Traynham moved that Ms. Power, Ms. Krohn, Ms. Davis, Mr. Bagel and Ms. Marschean attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:30 P.M.

Mr. Traynham moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Horn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Dr. Schultz moved that the Board of Nursing reinstate the professional nursing license of Djuana Robinson.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Andrew A. Wallace, C.N.A. 1401-106424

Mr. Wallace did not appear.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Ms. Marschean was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Fredra Smith, C.N.A. testified by telephone. Rachel Shaw, Senior Investigator, Department of Health Professions and James Wall, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Mr. Traynham moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:00 P.M. for the purpose of deliberation to reach a decision in the matter of Mr. Wallace. Additionally, Mr. Traynham moved that Ms. Power, Ms. Krohn, Ms. Davis, Mr. Bagel and Ms. Marschean attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:10 P.M.

Mr. Traynham moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Piersall moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Mr. Horn moved that the Board of Nursing revoke the nurse aide certificate of Andrew Wallace with a finding of abuse to be entered in the Virginia Nurse Aide Registry.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS:

The Board recessed at 2:11 P.M.

RECONVENTION: The Board reconvened at 2:25 P.M.

FORMAL HEARINGS: **Jessica C. Sullivan, L.P.N. Reinstatement Applicant 0002-058414**
Ms. Sullivan appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Ms. Marschean was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Mr. Traynham moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:05 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Sullivan. Additionally, Mr. Traynham moved that Ms. Power, Ms. Krohn, Ms. Davis, Mr. Bagel and Ms. Marschean attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:40 P.M.

Mr. Traynham moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Mr. Horn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Piersall moved that the Board of Nursing reinstate the practical nursing license of Jessica Sullivan, to be valid in Virginia only, contingent upon Ms. Sullivan's entry into the Health Practitioners Monitoring Program, and thereafter require continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 3:45 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
July 21, 2010
Panel - B**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:05 A.M. on July 21, 2010 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Florence Jones-Clarke, R.N., M.S., Vice President
Evelyn Lindsay, L.P.N.
Peregrin Francisco, R.N., M.S.A.
Joyce A. Hahn, Ph.D, APRN, NEA-BC
Brenda Hale, R.N.
Jeanne Holmes, Citizen Member

STAFF PRESENT:

Jay P. Douglas, R.N.,M.S.M,C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Donna Lee, Senior Discipline Specialist
Darlene Graham, Administrative Assistant

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General

**ESTABLISHMENT OF
A QUORUM:**

With six members of the Board present, a quorum was established.

FORMAL HEARINGS:

Audrey Hollar, R.N. 0001-117631

Ms. Hollar appeared, represented by Kimberly Murphy; and accompanied by her husband, Gene Hollar.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Tonya James, Compliance Case Manager, Board of Nursing was present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(15) of the *Code of Virginia* at 11:45 A.M. for the purpose of consideration and discussion of medical records of Audrey Hollar that are excluded from the Freedom of Information Act by Virginia Code Section 1 of 2.2-3705.5. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms.

Mitchell, Ms. Graham, Ms. Lee, Ms. Hollar, Mr. Hollar, Ms. Murphy, Ms. Bush and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its deliberations.

RECONVENTION: The Board reconvened in open session at 12:40 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:15 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hollar. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Mitchell, Ms. Graham, Ms. Lee, Ms. Williams and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:45 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Francisco moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing reprimand Audrey Hollar and to indefinitely suspend the professional nursing license of Ms. Hollar, stay said suspension contingent upon Ms. Hollar's entry into the Health Practitioners Monitoring Program and her continued compliance with the terms and conditions of the Health Practitioners Monitoring Program.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 1:50 P.M.

RECONVENTION: The Board reconvened at 2:30 P.M.

FORMAL HEARINGS: **Amy Elizabeth McCoy, R.N. 0001-210996**

Ms. McCoy appeared.

David Kazzie, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Melissa Kennedy, Senior Investigator, Department of Health Professions; Jennifer Baker, Regional Enforcement Manager, Department of Health Professions; Dawn France, M.S.W., Case Manager, Health Practitioners Monitoring Program; Shirley Layman, R.N., Nurse Manager, Medical ICU, Veterans Affairs Medical Center, Salem Virginia; Kimberly Slaughter, Inpatient Pharmacy Supervisor, Veterans Affairs Medical Center, Salem Virginia were patient and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:55 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. McCoy. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Mitchell, Ms. Graham, Ms. Lee, and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:10 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Kazzie and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing reprimand Amy McCoy and continue the professional nursing license of Ms. McCoy on indefinite suspension, stay said suspension contingent upon Ms. McCoy's entry into the Health Practitioners Monitoring Program and her continued compliance with the terms and conditions of the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 4:17 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director

